

To the Hon. W. T. Miller Judge
of the Circuit Court of Lee
County Virginia:

Your orator
D. H. Graham who humbly
complaining would respect-
fully represent that on the 18
day of February 1893 J. J.
Fisher executed to him his
bond for \$250⁰⁰. due & payable
twelve months after the date
thereof, and as to said debt
waived the benefit of his
homestead exemption, no
part of which has ever
been paid, but is yet wholly
due your orator. The said
bond is herewith filed as
part hereof marked "Bond"
and is prayed to be consid-
ered herewith as part hereof.

At the time of the execu-
tion of said bond James J. J.
Fisher was the owner of a
tract of land situated in
said County of Lee whereon
he then & now resides, and
which is ample to pay said
debt. But on the day
of 189 the said
Fisher conveyed the same to
one Hiram P. Johnson, as will

marked 17
more fully appear by a copy
of said deed herewith filed
as part hereof, and is prayed
to be considered herewith.

Your creditor alleges that
this conveyance by T. J. Fisher
to H. P. Johnson, was voluntary
without consideration and void
that it was made to hinder
delay or defraud the creditors
of said Fisher, and especially
of your creditor in the collection
of his debt. And this the said
Johnson & Fisher did not
deny but openly admitted
the same.

That long after said convey-
ance the said H. P. Johnson
deceased this life interest and
his estate has been committed
to W. P. Western Sheriff of this
County who is now his per-
sonal representative.

At the time of his death he
also left the following chil-
dren, his heirs at law to
whom said land or the title
thereto descended viz: Bertha,
Laura, ^{alpha} and Mattie Johnson all
under 21 years of age - He also
left a widow Florence Johnson
who if said conveyance would

1 had been genuine would
2 have been entitled to recover.
3 But she knows & admits that
4 said deed was & is fraud-
5 ulent. The said Fisher has
6 all the time since said Conveyance
7 continued to reside upon said
8 land use occupy & cultivate
9 it without the payment of
10 any rents whatever.

11 The object of this Bill therefore
12 is to have said deed of Con-
13 veyance from J. J. Fisher set
14 aside held void & annulled for
15 want as to your creditors
16 debt. And so much thereof
17 as may be necessary said
18 will pay the same attendant
19 costs. To affect which he
20 prays that J. J. Fisher, W. O.
21 Western Sheriff & as such administrator
22 of Hiram Johnson's estate, Florence
23 Johnson, Bertha Johnson, and Mattie
24 Johnson ^{Alpha Johnson} be made parties de-
25 fendant to this bill & answer
26 the same, but they need not do
27 so upon oath that being waived
28 that a guardian ad litem be
29 appointed to answer & defend
30 the interest of said infants
31 And on a hearing said
32 deed be set aside annulled for

1 brought & held voice. That said
2 land or so much thereof as
3 may be necessary be sold &
4 the proceeds after the payment
5 of costs be applied to your
6 Exors debt. And for all
7 other further and general
8 relief. May your wisdom
9 &c.

10 Obedient Son,
11 for self.

Twelve Months after
date I Bind my self
To Pay S. H. Mohan
Two Hundred and fifty
Eight dollars for value received
of him I have by Man-
all Harvested Loans as to
this Debt witness my
Hand and Seal this
February 18th 1893

T. J. Fish ^{her} Seal

"Bend"

V I R G I N I A ,

Circuit Court for Lee County:

To the Honorable W.T. Miller, Judge of the said Court:

The joint and separate answer of Bertha Johnson, Laura Johnson ~~and~~ *and Alpha Johnson* and Mattie Johnson, infants under the age of twenty-one years, by L.T. Hyatt, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in said Court by D.H. Mahon.

Respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the court, and pray that no decree may be pronounced which will tend to their prejudice.

Ans having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

L. T. Hyatt, Guardian ad litem for
Bertha Johnson, Laura Johnson ~~and~~ *alpha*
Johnson and Mattie Johnson, infants.

Virginia, County of Lee, to wit:

This day personally appeared before me, A.B. Munsey, Clerk of the Circuit Court for said County, *L. T. Hyatt*, Guardian ad litem for Bertha Johnson, Laura Johnson ~~and~~ *alpha Johnson* and Mattie Johnson, whose answer

is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true; and so far as made from knowledge or information derived from others, he believes to be true.

Given under my hand this the 23rd day of September, 1898.

AB Munsey, Clerk.

D. H. Mahon,
vs $\frac{3}{2}$ In Chy -
W. P. Weston, Admr.
vs. et als.

Answer of L. S.
Hyatt, Guardian ad
Litem for Bertha
Johnson, Laura
Johnson and Mattie
Johnson, infants.

Filed September 23rd 1898
A. B. Munsey Clerk

Fee \$5-00

To the Honorable W.T. Miller, Judge of the Circuit

Court of Lee County, Virginia:

The separate ^{demurrer and} answer of Florence Robinson, formerly Florence Johnson, late widow of Hiram P. Johnson, to a bill exhibited against her and others by D.H. Mahan.

Respondant is advised that said bill is not sufficient in law to call upon her to answer in this honorable court, and she demurs to the same and prays judgment of her said demurrer &c.

And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of her, answering she says:

That personally, she knows nothing whatever of the execution by T.J. Fisher of the bond in the complainant's bill mentioned, and she likewise knows nothing of the alleged debt claimed to be evidenced by said bond and she neither admits or denies the same but calls for full and complete proof of said indebtedness, the time contracted, and what contracted for,

Respondent has been informed, and she believes truly, that no such debt, as that evidenced by said bond, was ever due and owing by the said Fisher to the said Mahan; that said bond is a mere subterfuge written and prepared long after its date, collusively signed up and made by the said Fisher for the fraudulent purpose of prosecuting a suit to set aside the deed made by Fisher and wife to this respondent's late husband, H.P. Johnson; and that if successful in said suit that the said Fisher and Mahan are to share in the proceeds of their fraudulent and collusive undertaking.

Respondent further alleges that at the date when said bond pretends to have been executed that the said D.H. Mahan was a very poor man, that he has so remained poor ever since, that he never in his life had property of any kind for sale of the value of \$258.00 or even half that amount.

Respondent says that it is true, that on the 16th day of October, 1893, that the said T.J. Fisher did convey to her late husband H.P. Johnson the two tracts of land owned by him, but she denies that said conveyance was voluntary, without consideration and void; she denies that

said deed was made to hinder, delay and defraud the creditors of the ~~said~~ said Fisher, and especially the complainant in the collection of his or their debts, and she denies that her husband either openly or in any other way ever at any time admitted that said deed was made for a fraudulent purpose, but on the contrary thereof she alleges that said deed was made in good faith, for a full and valuable consideration, every cent of which was fully paid at the time of said transaction.

It is true that after said conveyance the said Hiram P. Johnson departed this life intestate. This, to her, sad event, occurred on the 31st day of October, 1894, more than one year after the date of said deed, and more than nine months after said pretended note appears to have become due. It is true that her husband left surviving him four small children, all daughters, and correctly set out in the bill. She supposes it is true that the estate of her said husband has been committed to ~~the~~ W.P. Weston, Sheriff of this County, though why so done, she is unable to state as her husband died in the state of Tennessee where he has an administrator and where all of his personal estate was, or at least the material part thereof. She says it is true that she is entitled to dower in the lands described in said bill, and she most emphatically denies that she ever admitted that said deed was fraudulent, as a matter of fact, she personally knows nothing of said transaction. She was not present when said trade was made, or when said deed was executed, and all the knowledge she has in reference to it is a statement made to her by her late husband, who told her that said lands were his, that he had bought them, paid for them, that they had been conveyed to him and that his deed was duly recorded.

She denies that the said Fisher has all the time since said conveyance continued to reside upon said land. It is true however that he was residing on one of said tracts at the time of the death of her husband; that very shortly thereafter he moved off of said land and surrendered the possession thereof. He remained off of said land something more than a year and after this scheme, concocted as she believes for the purpose of beating her and her children out this land, and as a part of said plan, he moved back upon it. At that time she was living in

Tennessee, there was no administrator of her husband's estate in Virginia, neither was there a guardian of her children in this state and under these conditions, with no person to look after said matter the said ~~Mr~~ Fisher by mere brute force, took and held and is still holding possession of said land.~~and~~

As a further evidence of said fraud, now attempted to be perpetrated upon herself and her children, your respondent is informed and she alleges it to be true that the said D.H. Mahan has never at any time given in said note, to the commissioner of the revenue and had the same listed for taxation as she is advised it was his duty to do if said note had been genuine and the debt evidenced thereby due.

Your respondent is advised that the failure of the said Mahan to list said note for taxation with the commissioner of the revenue absolutely bars him of the right to recover the same either by action at law or suit in equity in any of the Courts of this Commonwealth until said note has been reported for assessment each year, and the tax thereon paid with an addition of fifty per centum of the amount of said unpaid taxes, and she craves the benefit of said wise provision of law as a defence to her in this suit. And now having answered said bill as fully as she is advised it is material to answer the same she prays to be hence dismissed with her costs.

C. T. Dineen
for deft.

Flower Robinson
late Johnson

and 3/4 Susan

D. H. McKean

Filed in open Court
and by leave thereof
Nov 19th 1898
A. B. Muncy Clerk

D. H. Mahan

Vs.

W. P. Weston Administrator,

On motion of the plaintiff this cause is dismissed at his cost;
and the same is accordingly stricken from the docket.

vs H Mohau

vs Z Sierra

H. P. Weston Aug 16

Entered on C. C. B. P. 458.
Enter this order

H A W Storer
Nov^r 15th 1900.

D. H. Mahan

v

~~James M. Weston~~ actor.

On the motion of the defendant
Florence Robinson, late Johnson,
leave is granted her to file her
answer to the bill & reply gener-
ally; and the cause is continued

B. H. Malin

v. Beece

W. P. Westcott
of the

Nov. 7. 1898

Enter this
Nov. 17. 1898
H. J. M.

This Deed made this the 16th Day of October
in the year of Our Lord 1893 by and between
T. J. Fisher and Susan his wife of the first part
as Vendors and H. P. Johnson of the second
part as Vendee it is with that for and in
consideration of the sum of Eight hundred
& Fifty dollars in hand paid the receipt of
which is hereby acknowledged the said party
of the first part doth sell Bargain convey and
Deliver to the said party of the second part
all of two certain tracts or parcels of land
situate in Lee County Virginia and on both
sides of Newmans ridge to wit: One tract at
the flower Gap containing One hundred and
twenty three acres by survey and bounded as
follows, on the south by Successor Mercur
and Brownlow Brotherton on the East by E
Gordon and Granvill Johnson on the North
by Fielder Gornis heirs and James Fishers.
The second tract containing about Sixty three
acres and bounded as follows on the East by
Jackson Fisher on the west by Fielder Gornis
heirs; on the North Andrew Lawson and
on the South by Granvill Johnson and for
a more specific description of tract of land
reference is hereby given to former title
papers the last named parcel being our
entire interest we had in our father Henry
Fishers estate and our interest in an entry
we made with John A Stapleton William
Avery and others and lies on the north side

of Newmans Ridge. To have and to hold the same
in fee simple with all things pertaining thereto
both seen and unseen and we the said party of the
first part for ourselves our heirs and assigns
covenant with the said party of the second part
that ^{we} are lawfully seized of the premises above
described and that we have a good and defensible
right to sell and convey and we will warrant
generally the title conveyed to the said party
of the second part to him his heirs or assigns
forever. Witness our signatures and seals Day
and Date above written.

L. J. ^{his} Fisher Seal
Susan ^{mark} Fisher Seal
^{mark}

State of Va }
Lee County }

I Jno. M. Tate a Notary Public
of said County and State do certify that L. J.
Fisher and Susan Fisher the wife of said
L. J. Fisher both personally came before me
in my county and acknowledged their
signatures to the above Deed of conveyance
bearing Date of October the 16th 1893 as their
free act and Deed for the purposes set
forth in said instrument. Given under my
official signature at office in Lee County
Va Oct. the 16th 1893.

Jno M. Tate N. P.
Virginia Lee County to wit,
In the Office of the Clerk of the said County

The 18th Day of October 1893 this deed
was presented and together with the certifi-
cate thereto annexed was admitted to record.
Teste S. V. F. Richmond Clerk

A Copy

Teste, S. V. F. Richmond Clerk
by A. B. Muncy D. C.

L. J. Fisher & wife
Lo { Copy of Deed
W. P. Johnson

Exhibit "A"

Clerk for Copy 88

Farmville Va for 2nd 898
Mr. James Johnson & John G. Bedson
I understand you have been
chased down. Think you so.

Mahan & Fisher lived on land at
75 Johnson & Fisher died, still is
in one of the tracts -

Shortly after the death of Johnson he moved
off, and laid off a spot or more and
then moved back. Shortly after the death
of my husband Fisher came to me and
asked me to give him the land I refused.

He was sick ^{1st} two weeks before his
death, but went at Flower Gap and
two weeks at home at Ripley Ford dis-
tant about 2 miles from Fishers.
Fisher never came to see him,
H.P.J. died Oct 3rd 1892

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

^{again}
WE COMMAND YOU,

that you summon W. P. Weston Admr of the estate of

W. P. Johnson decd, T. J. Fisher, Florence Johnson, Bertha Johnson
Laura Johnson Mattie Johnson & Alpha Johnson the last
four are infants under the age of 21 years

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the 3rd Monday in October, 1898, to answer a bill in
chancery, exhibited against them in our said court by

D. H. Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the 4th day of October 1898, and in the 123rd year of the Commonwealth.

A B Munsey Clerk

J. H. Mahan
alias

vs. }
 SUBPOENA
 IN CHANCERY.

W. P. Weston, Admr et al

Pridemore & Sewell p. q.

To *2nd October* Rules.

1898 Circuit Court.

Executed on *W. P.*
Weston by delivering
 to him a true copy of
 the within, and more
 on Oct 17. 1898. and by de-
 livering a copy on the
 same day to *James B. J.*
Frisher and in all the
 others by going to their
 places of abode, but they
 not being at home being at
 home. I took a copy
 of the within and more
 on Oct 12. 1898. and
 on Oct 12. 1898. and

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. P. Weston* Admr of the estate
of *H. P. Johnson* dead *S. J. Fisher*, *Florence Johnson*
Bertha Johnson, *Laura Johnson* & *Mattie Johnson* the
last three are infants under the age of 21 years
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 1898, to answer a bill in
chancery, exhibited against *them* in our said court by
D H Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *September* 1898, and in the *123rd* year of the Commonwealth.

A Copy

A. B. Munsey Clerk
Test: *A. B. Munsey* Clerk

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To *Rules.*

Court.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. P. Weston* Admin of the estate
of *H. P. Johnson* decd. *T. J. Fisher*. *Florence Johnson*
Bertha Johnson, *Laura Johnson* & *Mattie Johnson*
the last three are infants under the age of 21 years
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *15th* Monday in *October*, 1898, to answer a bill in
chancery, exhibited against *them* in our said court by
D. H. Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *September* 1898, and in the *123rd* year of the Commonwealth.

A Copy

Teste: A. B. Munsey Clerk

A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. P. Weston Admin of the estate*
of H. P. Johnson decd T. J. Fisher, Florence Johnson
Bertha Johnson Laura Johnson & Mattie Johnson the
last three are infants under the age of 21 years
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*8*, to answer a bill in
chancery, exhibited against *them* in our said court by
D. H. Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *September*, 189*8*, and in the *123rd* year of the Commonwealth.

A Copy

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. P. Weston* Admr of the estate
of *H. P. Johnson* decd. *L. J. Fisher* *Florence Johnson*
Bertha Johnson *Laura Johnson*, & *Mattie Johnson*
the last ^{three} are infants under the age of 21 years
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *September*, 1898, to answer a bill in
chancery, exhibited against *them* in our said court by
D. H. Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *September* 1898, and in the *123rd* year of the Commonwealth.

A Copy

A. B. Munsey Clerk

Teste: *A. B. Munsey* Clerk

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *W. P. Weston. Admr of the estate*
of H. P. Johnson, decd. T. J. Fisher Florence Johnson, Bertha
Johnson, Laura Johnson & Mattie Johnson the last three are
infants under the age of 21 years
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 1898, to answer a bill in
chancery, exhibited against *them* in our said court by
D. H. Mahan

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *September* 1898, and in the *123rd* year of the Commonwealth.

A. B. Munsey Clerk

D H Mahan

US.

SUBPOENA

IN CHANCERY.

W. P. Weston Adm'r et al

Pridemore & Sewell p. q.

To 1st October Rules.

Circuit Court.

Executed in part on
 Sept 26th 1898. by
 delivering a true copy
 hereof to the within
 named W. P. Weston

Jas. M. Weston, D.S.
 for W. P. Weston, S.C.C.

not executed not

relieved in time

Oct 3 1898

Evon Bledsoe
 for W. P. Weston S.C.C.

D. H. Mahan

vs Bill Chy.

W. P. Weston adua et al

1898 1st Oct rules Spa not
2d. & alias awarded & Contd

" 2nd Oct rules alias Spa 4d
& ans G. A. L. filed & Det

" 1st Nov rules taken the
last Monday in Oct & N
Conf & Cause set for
hearing.